

FROM THE DESK OF PAUL SOMERS

May 3, 2017

Magistrate Judge Kandis Westmore

Via ECF

**Re: Paul Somers v. Digital Realty Trust & Ellen Jacobs - Important Discovery Being Withheld by Defendant**

Your Honor,

A former top officer at Digital Realty Trust, Inc. has informed Plaintiff, in no uncertain terms, that Digital Realty filed a lawsuit in against Mr. Kumar after Kumar was forced to resign. He offered no details on the suit itself. According to a former high level SVP who was at Digital at the time at the time:"

April 20th, 2017: *"I think [Kumar] was surprised [Digital Realty] sued [him]."* *"The environment sucks for everyone but Stein there. Everyone hates everyone else.*

*Sometimes the money is not worth waiting for, especially if you have a new situation lined up."*

As you may recall, Plaintiff reported Kumar for violations of Sarbanes Oxley and discrimination then was subsequently fired. Kumar is named in Plaintiff's complaint as the individual who instigated the retaliation. Defendants deny Kumar was terminated, which we know is false (Exhibit A). Plaintiff is entitled to discovery on this matter to see if it will serve as evidence or lead to more evidence.

Defendants withheld information once again. This time Defendants were instructed to produce this information per the Court's July 8, 2017 Order but failed to do so. Seyfarth Shaw, Digital Realty and Ellen Jacobs have certainly had knowledge of these important factors yet have violated the Court Order for nearly one year now. At her deposition on 2/28/2017, Ms. Jacobs was instructed by Mr. Ashe not to answer questions about Mr. Kumar's termination.

MR. SOMERS: Q. (QNA) Why did Kris Kumar  
3 leave the company -- leave Digital Realty?  
4 MR. ASHE: Assumes facts not in evidence;  
5 it calls for private information.  
6 As for the private information, I'll  
7 instruct you not to answer.

Defendants will tell you that like to believe they complied with the Court's Order finally by producing a 2 page "resignation letter," concerning his Kumar's resignation. The letter appears have been created to placate the plaintiff. It is unsophisticated and missing many important issues typically included on a resignation letter of an SVP who had directorships and large amounts of long-term compensation.

The Defendant have prejudiced Plaintiff beyond repair. Plaintiff was forced to sit through depositions and to give depositions without this information. My attempt at mediation was also prejudiced along with the production of documents and interrogatories.

Mr. Ashe has refused multiple requests to meet and confer. (Exhibit C) You can also see that he refused to abide by your instructions on gathering evidence. Since this is new information there is a great deal of discovery to be done. The plaintiff requests that the discovery be reopened which fits well with the current Stay Plaintiff agreed to. The

Defendants are no longer in a rush to get to trial. I hope the Court can appreciate that Plaintiff is being forced into a Supreme Court matter that a small company such as Digital would not be undertaking. Its just further evidence that Chubb Insurance is in charge of the litigation.

I have come forward yet again with a very important example of misconduct on the part of the Defendant. The Court may also recognize how damaging their misconduct is o and the impact it will have going forward. Defendants have damaged this discovery process to the extent that I can never have a fair trial. They kept this information from me and misled the Court for two years. Defendant's decision to withhold information about Kumar's termination and the fact that they filed a lawsuit against him is material. Much in the same way they attempted to get me to answer 80 interrogatories, they tried to escape discovery without providing important information about Kumar who has done great damage to me and my career. Now we see that the Defendant would like to protect Mr. Kumar at my expense despite the fact that they saw fit to sue him. Seyfarth Shaw's behavior is most disturbing.

Plaintiff requests the harshest sanctions permitted for this latest stunt by Mr Ashe and his clients.

Sincerely,

/s/Paul Somers

Paul Somers